

trict Court of the United States for said district a libel praying seizure and condemnation of 50 tins of ether, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Powers-Weightman-Rosengarten Co., from St. Louis, Mo., on or about March 25, 1926, and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tin) "One Pound Ether U. S. P. \* \* \* Powers-Weightman-Rosengarten Co. Philadelphia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it failed to comply with the pharmacopoeial requirements for freedom from peroxide and aldehyde.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the U. S. Pharmacopoeia and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label "Ether U. S. P." was false and misleading.

On May 24, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, and it was further ordered that the said product be salvaged, or relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*

**14411. Misbranding of olive oil. U. S. v. 5 Cases and 8 Cases of Olive Oil. Product adjudged misbranded and ordered released under bond.** (F. & D. No. 16581. I. S. Nos. 14321-t, 14322-t. S. No. W-1125.)

On July 29, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases, each containing gallon cans, and 8 cases, each containing ½-gallon cans, of olive oil, at Salt Lake City, Utah, alleging that the article had been shipped by the Nasiacos Importing Co., from Chicago, Ill., on or about August 12, 1921, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Gallon" (or "½ Gallon") "Athlete Brand Pure Olive Oil Nasiacos Importing Co. Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels, "1 Gallon" and "½ Gallon," as the case might be, were false and misleading, in that the net contents of the said cans were not 1 gallon and ½ gallon, respectively. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 2, 1923, the Nasiacos Importing Co., Chicago, Ill., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$600, a decree was entered, adjudging the product to be misbranded, and it was ordered by the court that the product be released for the purpose of relabeling the same as to the exact net contents.

W. M. JARDINE, *Secretary of Agriculture*.

**14412. Misbranding of butter. U. S. v. Ambrose J. Smith, Sam S. Lard, and John S. Carter (Trustees, Texas Creamery Co.). Pleas of guilty. Fine, \$200.** (F. & D. No. 19702. I. S. Nos. 3563-v, 3566-v, 3569-v, 3570-v, 3571-v.)

On February 24, 1926, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ambrose J. Smith, Sam S. Lard, and John S. Carter, as trustees of the Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about the respective dates of January 27, and February 14 and 20, 1925, respectively, from the State of Texas into the Territory of Porto Rico, of quantities of butter which was misbranded. The article was contained in

sealed tins labeled in part: "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex. \* \* \* One Pound Net."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the containers of the product, was false and misleading, in that the said statement represented that the said containers each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the containers each contained 1 pound of butter, whereas they did not but did contain, in each of a number of said containers, less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

**14413. Adulteration and misbranding of olive oil. U. S. v. Albert Pace (Pace and Sons). Plea of nolo contendere. Fine, \$660. (F. & D. No. 19689. I. S. Nos. 13944-v, 13945-v, 13947-v, 13948-v, 13949-v, 13950-v, 14154-v, 14249-v, 14250-v, 14251-v, 24504-v, 24505-v, 24506-v, 24507-v, 24508-v, 24509-v, 24512-v, 24513-v, 12414-v, 12415-v.)**

On March 9, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Pace, trading as Pace & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments between the dates of October 1, 1924, and March 26, 1925, from the State of Rhode Island into the States of Connecticut, Massachusetts, Maine and Pennsylvania, respectively, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Contents One Half Gallon" (or "Contents One Full Gallon" or "Contents One Quart") "Ortona Civitas Vetustissima \* \* \* This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis." The said cans bore a cut of a castle and the statement "Packed In Italy," "Made In Italy" or "Products Of Italy," as the case might be.

Adulteration of the article was alleged in substance in the information for the reason that cottonseed oil, or sesame oil, or both cottonseed oil and sesame oil, as the case might be, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for pure olive oil which the article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it was composed in large part of sesame oil, or cottonseed oil, or both sesame oil and cottonseed oil, whereas said pharmacopœia provided that olive oil should be obtained from the ripe fruit of olives.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil," "Ortona A Mare (Italy)," "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis," borne on the labels of the cans containing the article, and the further statements "Packed In Italy," "Made In Italy," or "Products Of Italy," as the case might be, borne on the said labels, were false and misleading, in that they represented that the article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, whereas it was not pure olive oil, and was not a foreign product but was a product composed in large part of oils other than olive oil produced in the United States. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and for the further reason that it purported to be a foreign product when not so.